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Attorneys for Defendant
Zurich American Insurance Company

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, EASTERN DISTRICT

TIM DE YOUNG, and DEBORA DE
YOUNG,

Plaintiffs,

v.

ZURICH AMERICAN INSURANCE
COMPANY.

Defendant.

Case No.

**DEFENDANT'S NOTICE OF
REMOVAL OF ACTION UNDER 28
U.S.C. § 1441(a) (DIVERSITY)**

Please take notice that Defendant Zurich American Insurance Company (“Zurich American”), by and through counsel, hereby removes the above-captioned action from the Superior Court of the State of California, County of Riverside, to the United States District Court for the Central District of California, Eastern District, pursuant to 28 U.S.C. §§ 1332, 1441 for the following reasons:

1. This is an insurance coverage action originally filed December 12, 2023, in the Superior Court of the State of California, County of Riverside and entitled *Tim De Young and Debora De Young v. Zurich American Insurance*

Company, Case No. CVR12306672.

2. Plaintiffs Tim De Young and Debora De Young (“Plaintiffs”) allege one cause of action against Defendant Zurich American Insurance Company: breach of contract.

3. On December 28, 2023, Zurich American received the Summons and Complaint via personal service on Zurich American’s agent for service of process, CSC Global. This Notice of Removal is timely because it is being filed within 30 days after Zurich American’s receipt of Plaintiffs’ Complaint, and within one year of the filing of the Complaint. 28 U.S.C. § 1446(b) and (c).

4. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders served upon Zurich American are attached and incorporated herein as **Exhibit A**. A true and correct copy of the Summons served on Zurich American is attached as **Exhibit B**. A true and correct copy of the Complaint served on Zurich American is attached as **Exhibit C**. A true and correct copy of Zurich American’s answer filed in the Superior Court of the State of California, County of Riverside is attached hereto as **Exhibit D**. These exhibits constitute all of the existing process, pleadings, or orders served on or known to Zurich American as of the filing of this Notice of Removal.

INTRADISTRICT ASSIGNMENT

5. The District Court for the Central District of California, Eastern Division, is the proper venue because the State court action was filed in and is pending in the Superior Court of the State of California, County of Riverside. 28 U.S.C. §§ 84(c)(3), 1441(a).

JURISDICTION

6. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and is one that may be removed to this Court pursuant to 28 U.S.C. § 1441(a) and (b), as it is a civil action where there is diversity of citizenship and the amount in controversy exceeds the sum of seventy-five thousand

1 dollars (\$75,000.00), exclusive of interest and costs.

2 7. The Complaint contains an allegation of damages wherein Plaintiffs
3 state: “This is an action for damages in excess of twenty-five thousand dollars
4 (\$25,000.00), exclusive of pre-judgment interest, attorney's fees, and costs.”
5 Complaint ¶ 2. The prayer for relief at the end of the Complaint requests the
6 following: “4. For attorneys’ fees and costs reasonably incurred to compel the
7 payment of benefits under the Policy as permitted under *Brandt v. Superior Court*
8 (1985) 37 Cal.3d 813.” Thus, the amount in controversy exceeds seventy-five
9 thousand dollars (\$75,000.00).

10 8. Plaintiffs are citizens in the County of Riverside, State of California.

11 9. Zurich American is a corporation organized under the laws of the State
12 of Illinois, with its principal place of business located in Illinois. Zurich American is
13 a citizen of the State of Illinois.

14 10. Pursuant to 28 U.S.C. § 1441(b)(1), the citizenship of Defendant Does 1
15 through 50 are disregarded when determining whether a civil action is removable on
16 the basis of diversity jurisdiction.

17 11. Thus, there is complete diversity of citizenship, as Plaintiffs are citizens
18 of the State of California, and Zurich American is not a citizen of the State of
19 California. 28 U.S.C. § 1332(a).

20 12. This Notice of Removal complies with all Federal Rules of Civil
21 Procedure and Local Rules. Zurich American attached to this Notice, copies of all
22 process, pleadings, and orders served on it in the State court action, as required by 28
23 U.S.C. § 1446.

24 13. Zurich American will also promptly serve Plaintiffs’ counsel and file
25 with the Clerk of the Superior Court of the State of California, County of Riverside a
26 “Notice to Adverse Party of Removal to Federal Court” pursuant to 28 U.S.C.
27 § 1446(d), which attaches as an exhibit this Notice of Removal with exhibits.

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1 WHEREFORE, Defendant Zurich American Insurance Company, by and
2 through counsel, respectfully gives notice that the above-captioned action is removed
3 to this Court from the Superior Court of the State of California, County of Riverside.
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5 Dated: January 29, 2024

MOUND COTTON WOLLAN &
GREENGRASS LLP

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8 By: /s/Jonathan Gross

Jonathan Gross

9 Lawrence Hecimovich

10 Attorneys for ZURICH AMERICAN
INSURANCE COMPANY
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PROOF OF SERVICE

I am a citizen of the United States and employed in the County of Alameda, City of Emeryville, California. I am over the age of eighteen years and not a party to the within action. My business address is Mound Cotton Wollan & Greengrass, 2200 Powell Street, Suite 1050, Emeryville, California 94608.

On the date below-written, I served the following document(s):

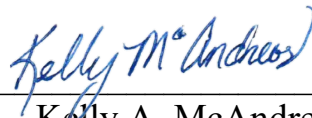
DEFENDANT'S NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(a) (DIVERSITY)

() (BY REGULAR MAIL) By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the designated area for outgoing mail at Emeryville, California, addressed as set forth below:

(X) (BY ELECTRONIC SERVICE) I caused such document(s) to be electronically mailed to the addresses as set forth below:

Erika Alba
Woolsey Morcom
6080 Center Dr., 6th Fl.
Los Angeles, CA, 90045
Email: erika@woolseymorcom.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed on January 29, 2024, at Emeryville, California.



Kelly A. McAndrews